

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
CIVIL MINUTES - GENERAL

JS-6

Case No. CV 08-1577-GPS(AGRx)

Date: May 12, 2008

Title: Acceptance Insurance Company v. American Safety Risk Retention Group, Inc., et al.

=====PRE
SENT: THE HONORABLE GEORGE P. SCHIAVELLI, JUDGE

Jake Yerke
Courtroom Clerk

Rosalyn Adams
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:
Roy Koletsky; Brett Hampton

ATTORNEYS PRESENT FOR DEFENDANTS:
David Morrow; David Blau; Michael Larin

**PROCEEDINGS: Order Denying Plaintiff's Motion to Remand;
Order Granting Defendant's Motion to Transfer**

On May 12, 2008, the Court held a hearing regarding (1) Plaintiff's Motion to Remand; (2) Defendant's Motion to Transfer; and (3) Defendant's Motion to Dismiss. After considering the arguments and filings, the Court **DENIES** Plaintiff's Motion to Remand and **GRANTS** Defendant's Motion to Transfer. In light of these rulings, the Court need not consider Defendant's Motion to Dismiss.

As for the Motion to Remand, the Court finds removal timely because the 30-day time limit should be counted from the date of service of Defendant American Safety Indemnity Co. ("ASIC"), the last-served defendant (i.e., the last-served rule). As for the Motion to Transfer, the Court finds that Defendant has shown that (1) venue is proper in this district; (2) the Southern District of California is one where the action might have been brought; and (3) the transfer will serve the convenience of the parties and the witnesses and promote the interests of justice. See *Goodyear Tire & Rubber Co. v. McDonnell Douglas Corp.*, 820 F. Supp. 503, 506 (C.D. Cal. 1992). Specifically, a majority of the relevant factors governing convenience support transfer. *Jones v. GNC Franchising, Inc.*, 211 F.3d 495, 498-99 (9th Cir. 2000). Accordingly, Defendant's shall submit a proposed order to transfer the action to the Southern District of California by **Monday, May 19, 2008**.

IT IS SO ORDERED.

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Initials of Deputy Clerk JY